

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CR-79
)	JUDGE PHILLIPS
ZENEIDA CONCEPCION RIVERA,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

1. **Indictment.** On July 19, 2005, a seven-count Indictment was filed in the above-styled case charging Defendant, Zeneida Concepcion Rivera, in counts one through six, of knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move said alien within the United States by means of a motor vehicle, in furtherance of such violation of law and for financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and caused said alien to be transported and moved, in violation of Title 18, United States Code, Section 2; and in count seven, that she did knowingly, willfully, and unlawfully conspire, confederate, and agree with one another and other persons known and unknown to the Grand Jury to knowingly produce, and cause to be produced, without lawful authority and in and affecting interstate commerce, identification documents, that is driver's licenses within the meaning of Title 18, United States Code, Section 1028(b)(1)(A)(ii), in violation of Title 18, United States Code, Sections 1028(f), 1028(a)(1), and 2.

The Forfeiture paragraph provided that the defendant shall, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and (6)(A)(ii)(I) and (II), forfeit any and all property, real and personal, that was used to facilitate, or was intended to be used to facilitate or which constituted, or derived from, or is traceable to the proceeds obtained directly or indirectly as a result of the offenses charged in the Indictment.

2. Guilty Plea. On October 11, 2005, Defendant Zeneida Concepcion Rivera, pled guilty to Count Seven of the Indictment charging her with violations of Title 18, United States Code, Sections 1028(f) and 1028(b)(1)(A)(ii) and agreed to forfeit her interest in the following property:

(a) \$4,444.36 in United States currency.

3. Agreed Preliminary Order of Forfeiture. On October 14, 2005, this Court entered an Agreed Preliminary Order of Forfeiture pursuant to the guilty plea entered by the Defendant, Zeneida Concepcion Rivera, forfeiting to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and (6)(A)(ii) (I) and (II), her interest in the following properties which were used to facilitate or which constituted or were derived from any proceeds the person obtained, directly or indirectly, in violation of Title 18, United States Code, Sections 1028(f) and 1028(b)(1)(A)(ii):

(a) Administrative forfeiture of \$2,900.00 in United States currency seized by the Federal Bureau of Investigation; and

(b) Judicial forfeiture of \$1,544.36 in United States currency.

4. **Notice of Forfeiture.** Pursuant to Title 21, United States Code, Section 853(n)(1), and the Agreed Preliminary Order of Forfeiture, Notice of Forfeiture as to the property described above, was published in *The Knoxville News Sentinel*, a newspaper of general circulation in Knox County, Tennessee, on three occasions: November 1, 2005, November 8, 2005, and on November 15, 2005.

The Notice of Forfeiture advised that any person, other than the Defendant, Zeneida Concepcion Rivera, having or claiming a legal interest in the forfeited property described herein, must file a petition with the Court within thirty (30) days of the final publication of the notice. The notice further provided that the petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. Proof of Publication was filed with the Clerk of this Court on December 14, 2005.

No person, corporation or entity has filed a claim to the property described herein; therefore, it is hereby,

ORDERED, ADJUDGED AND DECREED:

1. That the following property is and the same is hereby forfeited to the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by reference in Title 18, United States Code, Section 982(b)(1), as property which was used to facilitate or which constituted or was derived from any proceeds the person obtained, directly or indirectly in violation of Title 18, United States Code, Sections 1028(f) and 1028(b)(1)(A)(ii), and all right,

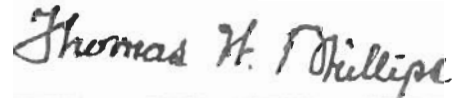
title and interest in said property be and the same is hereby vested in the United States, pursuant to 21 U.S.C. § 853(n)(7):

(a) \$1,544.36 in United States currency.¹

2. That the United States Marshal Service shall dispose of said forfeited property according to law.

3. That the Clerk of this Court provide the United States Marshal Service and the United States Attorney's Office with a certified copy of this Final Order of Forfeiture.

ENTER:



THOMAS W. PHILLIPS
UNITED STATES DISTRICT JUDGE

Submitted by:

JAMES R. DEDRICK
Acting United States Attorney

By: s/ Michael J. Mitchell
MICHAEL J. MITCHELL
Assistant United States Attorney

¹ A portion of the \$4,444.36 which Defendant, Zeneida Concepcion Rivera agreed to forfeit in her Plea Agreement has been administratively forfeited by the Federal Bureau of Investigation. The Federal Bureau of Investigation administratively forfeited \$2,900.00 in United States currency on April 10, 2006, leaving a balance of \$1,544.36 in United States currency to be judicially forfeited via this Final Order of Forfeiture.